

## **REMARKS**

In response to the above-identified Office Action (“Action”), Applicants traverse the Examiner’s rejection to the claims and seek reconsideration thereof. Claims 3-4, 6-10 and 14, 19, 21-26 and 28-35 are now pending in the present application. Claims 3-4, 6-10 and 14, 19, 21-26 and 28-35 are rejected. In this response, claims 3, 8-10, 14 and 23-26, 29, 30 and 32 are amended, claims 4, 6, 7, 19, 21, 22, 28 and 33-35 are cancelled and claim 36 is added.

The instant invention is directed to a method of making a lithium secondary battery comprising forming a positive electrode by coating a lithium metal oxide on a current collector, forming a negative electrode by coating carbonaceous materials or SnO<sub>2</sub> on a negative current collector, interposing a separator between the positive and negative electrodes and injecting an electrolyte to immerse the positive electrode and negative electrodes and the separator.

### **I. Examiner Interview Summary**

Applicants respectfully acknowledge with appreciation the Examiner’s granting of an Examiner’s Interview on January 16, 2007 with Applicants’ attorney Stacie J. Sundquist via telephone. During the interview, Applicants’ attorney discussed the issues raised in the outstanding Office Action dated December 21, 2006 as well as proposed claim amendments and the Examiner’s reasons for finding claims 8-10, 14 and 23-25 in condition for allowance if rewritten. During the interview the Examiner indicated that the prior art failed to disclose a copper-based alloy including the combination of titanium, nickel and magnesium.

### **II. Claim Amendments**

In the instant response, claims 3, 8-10, 14 and 23-26, 29, 30 and 32 are amended. Claims 8-10, 14 and 23-25 are rewritten in independent form including all the limitations of the base claim except for the matter rejected by the Examiner under 35 U.S.C. §112 and any intervening claims. In addition, claim 3 is amended to delete the recitation of the amount of each material and instead these elements are recited in new claim 36 which depends from claim 3. Claims 26 and 32 are further amended to specifically recite a copper-based alloy including nickel, titanium and magnesium. Claims 29 and 30 are amended to depend from claims now pending instead of

cancelled claims 4 and 19, respectively. Accordingly, the foregoing amendments do not add new matter and are supported by the specification. Applicants respectfully request consideration and entry of the amendments to claims 3, 8-10, 14 and 23-26, 29, 30 and 32.

## **II. Claim Rejections – 35 U.S.C. §112, first paragraph**

In the outstanding Action, the Examiner rejects claims 3, 4, 6-10, 14, 19, 21-26 and 28-35 under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement.

Applicants have cancelled claims 4, 6, 7, 19, 21, 22, 28 and 33-35 therefore the rejection of these claims is moot. In addition, claims 3, 8-10, 14, 23-26 and 29 have been amended to delete the recitation of the tensile strength range which the Examiner finds unsupported by the specification. Applicants believe the amendments to the claims sufficiently overcome the rejection of the claims under 35 U.S.C. §112. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 3, 8-10, 14, 23-26 and 29 on this basis.

## **IV. Claim Rejections – 35 U.S.C. §102 and §103**

A. In the outstanding Action the Examiner rejects claims 3, 4, 6, 19, 21 and 32-34 under 35 U.S.C. 102(a)/103(a) as being anticipated by, and alternatively unpatentable over Japanese Patent No. 11-339811 issued to Takagi et al. (“Takagi ‘811”). Applicants respectfully traverse the rejection.

In regard to claims 4, 6, 19, 21, 33 and 34, these claims are cancelled therefore the rejection of these claims on this basis is moot.

In regard to claims 3 and 32, claims 3 and 32 are amended to recite that the copper-based alloy comprises at least the materials of nickel, titanium and magnesium. The Examiner has not pointed to, and Applicants are unable to discern, a portion of Takagi ‘811 teaching a copper-based alloy comprising nickel, titanium and magnesium. Thus, for at least the foregoing reasons, Takagi ‘811 fails to teach or suggest each and every element of claims 3 and 32. Since Takagi ‘811 fails to teach or suggest each and every element of the claims, neither anticipation nor a *prima facie* case of obviousness may be established. In view of the foregoing, Applicants

respectfully request reconsideration and withdrawal of the rejection of claims 3 and 32 under 35 U.S.C. §102 and/or §103 over Takagi '811.

In regard to new claim 36, claim 36 depends from claim 3 and incorporates the limitations thereof. Thus, for at least the reasons that claim 3 is not anticipated by, or obvious over, Takagi '811, claim 36 is further patentable over Takagi '811. In view of the foregoing, Applicants respectfully request consideration and allowance of claim 36.

**B.** In the outstanding Action the Examiner rejects claims 3, 4, 6, 7, 19, 21, 22, 26 and 28-35 under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent No. 11-086871 issued to Takagi et al. ("Takagi '871"). Applicants respectfully traverse the rejection.

In regard to claims 4, 6, 7, 19, 21, 22, 28 and 33-35, these claims are cancelled therefore the rejection of these claims on this basis is moot.

In regard to independent claims 3, 26 and 32, these claims are amended to include the limitations of a copper-based alloy comprising nickel, titanium and magnesium. The Examiner has not pointed to, and Applicants are unable to discern, a portion of Takagi '871 teaching a copper-based alloy comprising nickel, titanium and magnesium. Thus, for at least the foregoing reasons, Takagi '871 fails to teach or suggest each and every element of claims 3, 26 and 32. Since Takagi '871 fails to teach or suggest each and every element of the claim a *prima facie* case of obviousness may not be established. In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 3, 26 and 32 under 35 U.S.C. §103 over Takagi '871.

In regard to dependent claims 29-31 and 36, these claims depend from one of the claims rewritten to be in condition for allowance which are now in condition for allowance, claim 3 or claim 26 and incorporate the limitations thereof. Thus, for at least the reasons that Takagi '871 fails to anticipate and/or render the claims from which these claims depend obvious, claims 29-31 and 36 are further not anticipated by or obvious over Takagi '871. In view of the foregoing, Applicants respectfully request consideration and allowance of claim 29-31 and 36.

In regard to new claim 36, claim 36 depends from claim 3 and incorporates the limitations thereof. Thus, for at least the reasons that claim 3 is not anticipated by, or obvious over, Takagi '871, claim 36 is further patentable over Takagi '871. In view of the foregoing, Applicants respectfully request consideration and allowance of claim 36.

**V. Allowable Subject Matter**

Applicants respectfully acknowledge the Examiner's indication that claims 8-10, 14 and 23-25 would be allowable if rewritten in independent form including all the limitations of the base claim (except the newly added matter) of the base claim and any intervening claims. In view of the foregoing, Applicants respectfully submit claims 8-10, 14 and 23-25 are in condition for allowance.

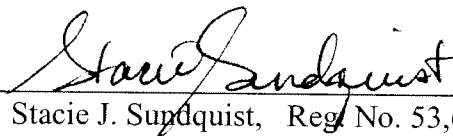
### CONCLUSION

In view of the foregoing, it is believed that all claims now pending, namely claims 3, 8-10, 14 and 23-26, 29- 32 and 36, are now in condition for allowance and such action is earnestly solicited at the earliest possible date. If there are any additional fees due in connection with the filing of this response, please charge those fees to our Deposit Account No. 02-2666. Questions regarding this matter should be directed to the undersigned at (310) 207-3800.

Respectfully submitted,

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### **CERTIFICATE OF TRANSMISSION**

I hereby certify that this correspondence is being submitted electronically via EFS Web to the United States Patent and Trademark Office on March 21, 2007.

  
Si Vuong